IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.363 OF 2002

Shrikrupa Co-op.Housing
Society(Proposed) ..Petitioners.

V/s.

The State of Maharashtra & Ors. ..Respondents.

Mr.Asif Iqbal I. Patel for petitioners.

Mr.A.H.Palekar, AGP for State.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 12, 2006.

P.C. :

1. In this petition, grievance is made on behalf of the petitioners about non-compliance of direction contained in the order passed by the Division Bench of the High Court on 21st July, 2000. Paragraph-7 of the order which is relevant for our purpose read thus:

> "7. In the premises, we quash and set aside the impugned allotment letter dated 11th February, 1999 in favour of Respondent No.4 and remand the matter to the competent authority for deciding the petitioner society's application as well as the application of Respondent No.5 for allotment of the said plot as per rules/guidelines. The Competent Authority shall take a decision on the applications as expeditiously as possible and in any case within a period of two months from today."

2. From the reply filed before this court it is obvious that the competent authority has already taken decision and passed appropriate order on the application, as can be discerned from the document Exh.1 to the reply affidavit, dated 14th September, 2001. Indeed, the decision has not been taken within the stipulated time, but that can be no cause for initiating contempt action.

3. Counsel for the petitioners submits that although communication has been sent to the petitioners, but final documentation of allocation of the concerned plots has not been executed so far in favour of the petitioners. That is not the scope of direction given by the Division Bench on 21st July, 2000. If the petitioners have any other grievance, it will be open to them to take recourse to such remedy, as may be permissible in law.

4. This petition is disposed of with the above observations. Notices issued to the respondents stand discharged.

5. In view of this order nothing survives in the companion civil application. The same is disposed of accordingly.